

# House File 2612 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HSB 764)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to natural resources, including by providing for  
2 the powers and duties of the department's director and natural  
3 resource commission, and the regulation of public lands and  
4 outdoor recreation, providing for penalties and making  
5 penalties applicable.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 6563HV 82  
8 da/sc/14

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1 1 DIVISION I  
1 2 COUNTY RESOURCE ENHANCEMENT COMMITTEE  
1 3 Section 1. Section 455A.20, subsection 1, paragraphs a and  
1 4 b, Code 2007, are amended to read as follows:

1 5 a. The chairpersons of the board of supervisors, county  
1 6 conservation board, commissioners of the soil and water  
1 7 district, and board of directors of each school district in  
1 8 the county. A chairperson may appoint a ~~member of the~~  
~~chairperson's board or commission as the chairperson's~~  
1 10 designee to serve on the committee. The chairperson or  
1 11 designee of a school district shall be a member of the county  
1 12 committee of the county in which a majority or the largest  
1 13 plurality of the district's students reside.

1 14 b. The mayor or the mayor's designee of each city in a  
1 15 county. ~~The mayor's designee shall be a member of the city~~  
~~council.~~ If a city is located in more than one county, the  
1 17 membership shall be on the county committee of the county in  
1 18 which the largest population of the city resides.

1 19 DIVISION II  
1 20 RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND LICENSES  
1 21 Sec. 2. Section 321G.1, Code Supplement 2007, is amended  
1 22 by adding the following new subsections:  
1 23 NEW SUBSECTION. 11A. "Nonresident" means the same as  
1 24 defined in section 483A.1A.  
1 25 NEW SUBSECTION. 17A. "Resident" means the same as defined  
1 26 in section 483A.1A.

1 27 Sec. 3. Section 321I.1, subsection 14, Code Supplement  
1 28 2007, is amended to read as follows:

1 29 14. "Nonresident" means ~~a person who is not a resident of~~  
~~this state the same as defined in section 483A.1A.~~

1 31 Sec. 4. Section 321I.1, subsection 23, Code Supplement  
1 32 2007, is amended to read as follows:

1 33 23. "Resident" means ~~a person who meets the requirements~~  
~~for residency described the same as defined in section 321.1A~~  
1 35 483A.1A.

2 1 Sec. 5. Section 483A.1A, Code 2007, is amended by adding  
2 2 the following new subsection:

2 3 NEW SUBSECTION. 6A. "Nonresident" means a person who is  
2 4 not a resident.

2 5 Sec. 6. Section 483A.1A, subsection 7, Code 2007, is  
2 6 amended to read as follows:

2 7 7. "Resident" means a natural person who meets any of the  
2 8 following criteria for each calendar year in which the person  
2 9 claims status as a resident:

2 10 a. Has physically resided in this state at least thirty  
2 11 and has claimed the person's principal and primary home or  
2 12 domicile in this state for a period of not less than thirty  
2 13 consecutive days immediately before applying for or purchasing  
2 14 a resident license, tag, or permit under this chapter and has

2 15 been issued an Iowa driver's license or an Iowa nonoperator's  
2 16 identification card. For the purposes of this paragraph,  
2 17 "principal and primary home or domicile" means the one and  
2 18 only residence where a person has a true, fixed, and permanent  
2 19 home, and to where, whenever the person is briefly and  
2 20 temporarily absent, the person intends to return, according to  
2 21 factors provided in section 483A.1B. A person is not  
2 22 considered a resident for purposes of this paragraph if the  
2 23 person is residing in the state only for a special or  
2 24 temporary purpose, including but not limited to hunting,  
2 25 fishing, or trapping.

2 26 b. (1) Is a full-time student at ~~an~~ any of the following:

2 27 (a) An educational institution located in this state ~~and~~  
2 28 ~~resides if residing~~ in this state while attending the  
2 29 educational institution.

2 30 (b) An accredited educational institution located outside  
2 31 this state, if the person is under the age of twenty-five and  
2 32 has at least one parent or legal guardian who maintains that  
2 33 person's principal and primary home or domicile in this state.

2 34 (2) A student qualifies as a resident pursuant to this  
2 35 paragraph "b" only for the purpose of purchasing any resident  
3 1 license specified in section 483A.1 or 484A.2.

3 2 c. Is a nonresident under eighteen years of age whose  
3 3 parent is a resident of this state.

3 4 d. Is a member of the armed forces of the United States  
3 5 who is serving on active duty, claims residency in this state,  
3 6 and has filed a state individual income tax return as a  
3 7 resident pursuant to chapter 422, division II, for the  
3 8 preceding tax year, or is stationed in this state.

3 9 ~~e. Is registered to vote in this state.~~

3 10 Sec. 7. NEW SECTION. 483A.1B FACTORS USED TO DETERMINE A  
3 11 PERSON'S PRINCIPAL AND PRIMARY HOME OR DOMICILE.

3 12 1. The department shall determine whether a person  
3 13 maintains a principal and primary home or domicile in this  
3 14 state based on factors determined relevant by the department,  
3 15 including but not limited to all of the following:

3 16 a. The person's place of employment.

3 17 b. The person's mailing address.

3 18 c. Whether the person's name is listed on utility records  
3 19 for the claimed principal and primary home or domicile.

3 20 d. Whether the person's name appears on the title to land  
3 21 in this state including the claimed principal and primary home  
3 22 or domicile.

3 23 e. The address listed on the person's individual state and  
3 24 federal income tax returns.

3 25 2. A person claiming to maintain a principal and primary  
3 26 home or domicile in this state shall submit all documentation  
3 27 required to establish that fact to the department or a person  
3 28 designated by the department. The department or a person  
3 29 designated by the department shall keep information contained  
3 30 in the document confidential to the same extent that it would  
3 31 otherwise be confidential under state or federal law.

3 32 DIVISION III

3 33 RIDING AREAS AND TRAILS FOR ALL-TERRAIN VEHICLES

3 34 Sec. 8. Section 321I.2, Code 2007, is amended by adding  
3 35 the following new subsection:

4 1 NEW SUBSECTION. 9. The operation or maintenance of  
4 2 designated riding areas and designated riding trails.

4 3 Sec. 9. NEW SECTION. 321I.15A CIVIL PENALTY AND  
4 4 RESTITUTION.

4 5 Upon conviction for a violation of section 321I.14,  
4 6 subsection 1, paragraph "e", "f", or "g", the defendant, in  
4 7 addition to any other penalty including the criminal penalty  
4 8 provided in section 321I.15, shall be subject to civil  
4 9 remedies as follows:

4 10 1. a. The court may assess the defendant a civil penalty  
4 11 of two hundred fifty dollars. The civil penalty shall be  
4 12 deposited in the special all-terrain vehicle fund created  
4 13 pursuant to section 321I.8.

4 14 b. The court may order the defendant to pay restitution to  
4 15 the titleholder of land for damages caused by the defendant's  
4 16 violation, to the extent that the titleholder consents to  
4 17 joining the action, and the titleholder's damages are  
4 18 established at trial. If the titleholder is the state, the  
4 19 amount of restitution ordered to be paid by the court shall be  
4 20 deposited in the special all-terrain vehicle fund created  
4 21 pursuant to section 321I.8. If the titleholder is a  
4 22 governmental entity other than the state, the moneys shall be  
4 23 paid to the governmental entity for deposit in any fund or  
4 24 account from which moneys are used for the maintenance,  
4 25 repair, or improvement of the land where the damage occurred.

4 26 2. The attorney general or a county attorney who  
4 27 prosecutes the criminal violation shall execute the civil  
4 28 judgment, in cooperation with the commission, as any other  
4 29 civil judgment.

4 30 DIVISION IV

4 31 CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED LAND OR WATERS

4 32 Sec. 10. Section 461A.4, Code 2007, is amended to read as  
4 33 follows:

4 34 461A.4 CONSTRUCTION ~~PERMIT~~ ~~== RULES ==~~ OF STRUCTURES AND  
4 35 OPERATION OF COMMERCIAL CONCESSIONS.

5 1 1. a. A person, association, or corporation shall not  
5 2 build or erect any structure including but not  
5 3 limited to a pier, wharf, sluice, piling, wall, fence,  
5 4 obstruction, erection, or building, or erection of any kind  
5 5 upon or over any state-owned or state-managed land or water  
5 6 under the jurisdiction of the commission, without first  
5 7 obtaining from the commission a written permit. A permit, in  
5 8 matters relating to or in any manner affecting flood control,  
5 9 shall not be issued without approval of the environmental  
5 10 protection commission of the department. A person shall not  
5 11 construct or maintain or erect any a structure beyond the line  
5 12 of private ownership along or upon the shores of state-owned  
5 13 or state-managed waters in a manner to obstruct the passage of  
5 14 pedestrians along the shore between the ordinary high-water  
5 15 mark and the water's edge, except by permission of the  
5 16 commission.

5 17 b. ~~It shall be the duty of the~~ The commission to shall  
5 18 adopt and enforce rules governing and regulating the building  
5 19 or erection construction of any such pier, wharf, sluice,  
5 20 piling, wall, fence, obstruction, building or erection of any  
5 21 kind, and said a structure as provided in this subsection.  
5 22 The commission may prohibit, or restrict its construction, or  
5 23 order the removal thereof owner to remove the structure, when  
5 24 in the judgment of said commission determines that it will be  
5 25 for is in the best interest of the public. The commission  
5 26 shall comply with the provisions of chapter 17A when issuing  
5 27 an order under this section.

5 28 Any person, firm, association, or corporation violating any  
5 29 of the provisions of this section or any rule adopted by the  
5 30 commission under the authority of this section shall be guilty  
5 31 of a simple misdemeanor.

5 32 2. A person, association, or corporation shall not operate  
5 33 a commercial concession in a park, forest, fish and wildlife  
5 34 area, or recreation area under the jurisdiction of the  
5 35 department without first entering into a written contract with  
6 1 the department. The contract shall state the consideration  
6 2 and other terms under which the concession may be operated.  
6 3 The department may cancel or, in an emergency, suspend a  
6 4 concession contract for the protection of the public health,  
6 5 safety, morals, or welfare.

6 6 Sec. 11. NEW SECTION. 461A.5A INJUNCTIVE RELIEF.

6 7 If it appears to the department that a person is violating  
6 8 or about to violate a provision of section 461A.4 or refuses  
6 9 to comply with an order issued by the commission pursuant to  
6 10 section 461A.4, the department may refer the matter to the  
6 11 attorney general, who may bring an action in the district  
6 12 court in any county of the state for an injunction to restrain  
6 13 the person from committing the violation. Upon a proper  
6 14 showing, the court may order a permanent or temporary  
6 15 injunction. The state shall not be required to post a bond.

6 16 Sec. 12. NEW SECTION. 461A.5B PENALTIES.

6 17 1. Except as provided in subsection 2, a person who  
6 18 violates a provision of section 461A.4 or of a departmental  
6 19 rule or refuses to comply with an order issued by the  
6 20 commission pursuant to section 461A.4 is guilty of a simple  
6 21 misdemeanor.

6 22 2. The state may proceed against a person who violates a  
6 23 provision of section 461A.4 or refuses to comply with an order  
6 24 issued by the commission pursuant to section 461A.4 by  
6 25 initiating an alternative civil enforcement action in lieu of  
6 26 a criminal prosecution. The amount of the civil penalty shall  
6 27 not exceed five thousand dollars. Each day of a violation  
6 28 shall be considered a separate offense. The alternative civil  
6 29 enforcement action may be brought against the person as a  
6 30 contested case proceeding by the department under chapter 17A  
6 31 if the amount of the civil penalty is not more than ten  
6 32 thousand dollars or as a civil judicial proceeding by the  
6 33 attorney general upon referral by the department. In a  
6 34 contested case proceeding, the department may impose, assess,  
6 35 and collect the civil penalty.

7 1 Sec. 13. Section 461A.6, Code 2007, is amended to read as

7 2 follows:

7 3 461A.6 COSTS == LIEN.

7 4 The cost of ~~such removal removing a structure as provided~~

7 5 ~~in section 461A.4 shall be paid by the its owner of said pier,~~

7 6 ~~wharf, sluice, piling, wall, fence, obstruction, erection or~~

7 7 ~~building, and the state shall have a lien upon the property~~

7 8 ~~removed for such costs for the cost of removal. Said The~~

7 9 costs shall be payable at the time of removal and such lien

7 10 may be enforced and foreclosed, as provided for the

7 11 foreclosure of security interests in uniform commercial code,

7 12 chapter 554, article 9, part 6.

7 13 Sec. 14. Section 461A.5, Code 2007, is repealed.

7 14 DIVISION V

7 15 DRIVING OVER ICE

7 16 Sec. 15. Section 462A.33, Code 2007, is amended to read as

7 17 follows:

7 18 462A.33 DRIVING OVER ICE.

7 19 1. A ~~person operating a craft or vehicle operating~~

7 20 ~~propelled by sail or by machinery in whole or in part shall~~

7 21 ~~not operate the craft or vehicle on the surface of ice on the~~

7 22 ~~lakes and streams of this state including but not limited to~~

7 23 ~~boundary streams and lakes and propelled by sail or by~~

7 24 ~~machinery in whole or in part, except unless the commission~~

7 25 ~~issues the person a permit.~~

7 26 2. ~~Subsection 1 does not apply to automobiles, motorcycles~~

7 27 ~~and, or trucks registered under chapter 321; or snowmobiles~~

7 28 ~~registered under chapter 321G; or all-terrain vehicles,~~

7 29 ~~off-road motorcycles, or off-road utility vehicles registered~~

7 30 ~~under 321I, when they any of those vehicles are used without~~

7 31 ~~endangering public safety, shall not be operated without a~~

7 32 ~~permit issued by the commission for the operation. A permit~~

7 33 ~~may be revoked by the commission if the craft or vehicle is~~

7 34 ~~operated in a careless manner which endangers others.~~

7 35 3. Except when authorized by a permit for a special event,

8 1 ~~persons shall not operate automobiles, motorcycles, and trucks~~

8 2 ~~when used, all-terrain vehicles, off-road motorcycles, or~~

8 3 ~~off-road utility vehicles on the ice of waters under the~~

8 4 ~~jurisdiction of the commission shall not exceed fifteen miles~~

8 5 ~~per hour and shall be operated in a at a rate of speed greater~~

8 6 ~~than is reasonable and prudent manner or proper under all~~

8 7 ~~existing circumstances.~~

8 8 4. A permit issued by the commission pursuant to this

8 9 ~~section may be suspended or revoked by the commission if a~~

8 10 ~~craft or vehicle is operated in a careless manner which~~

8 11 ~~endangers others.~~

8 12 DIVISION VI

8 13 REPORTING HUNTING INCIDENTS

8 14 Sec. 16. Section 481A.18, Code 2007, is amended to read as

8 15 follows:

8 16 481A.18 HUNTING ACCIDENTS INCIDENTS == MANDATORY

8 17 REPORTING.

8 18 \* ~~This section applies to a person who is involved in a~~

8 19 ~~hunting accident incident with a firearm and the accident or a~~

8 20 ~~fall from a device that allows or assists a person to hunt~~

8 21 ~~from an elevated location, if the hunting incident results in~~

8 22 ~~an injury to a person, or property damage exceeding one~~

8 23 ~~hundred dollars, The person shall report the accident~~

8 24 ~~hunting incident to the sheriff's office in the county where~~

8 25 ~~the accident hunting incident occurred or to the department~~

8 26 ~~within twelve hours after the accident hunting incident~~

8 27 ~~occurred. If However, if an injury in caused by the accident~~

8 28 ~~hunting incident prevents timely reporting, the person shall~~

8 29 ~~make the report shall be made as soon as practicable. Failure~~

8 30 ~~A person who fails to report the hunting incident as required~~

8 31 ~~in this section is guilty of a simple misdemeanor.~~

8 32 DIVISION VII

8 33 RECIPROCITY

8 34 Sec. 17. Section 481A.19, Code 2007, is amended to read as

8 35 follows:

9 1 481A.19 RECIPROCITY OF STATES.

9 2 1. a. Any person licensed by the ~~authorities authority of~~

9 3 ~~Illinois, Minnesota, Missouri, Wisconsin, Nebraska, and or~~

9 4 ~~South Dakota to take fish, game, mussels, or fur-bearing~~

9 5 ~~animals from or in the waters forming the boundary between~~

9 6 ~~such states state and Iowa, may take them such fish, game,~~

9 7 ~~mussels, or fur-bearing animals from that portion of said~~

9 8 ~~waters lying within the territorial jurisdiction of this~~

9 9 ~~state, without having procured a license therefor for it from~~

9 10 ~~the director of this state, in the same manner that persons~~

9 11 ~~holding Iowa licenses may do, if the laws of Illinois,~~

9 12 ~~Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota,~~

9 13 respectively, extend a similar privilege to persons so  
9 14 licensed under the laws of Iowa.

9 15 b. Any person licensed by the authority of Illinois,  
9 16 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to  
9 17 take fish, game, mussels, or fur-bearing animals from or in  
9 18 lands under the jurisdiction of any of those states may take  
9 19 such fish, game, mussels, or fur-bearing animals from or in  
9 20 lands under the jurisdiction of the commission when such land  
9 21 is wholly surrounded by that respective state, without having  
9 22 procured a license from the director of this state, in the  
9 23 same manner that persons holding Iowa licenses may do, if the  
9 24 laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or  
9 25 South Dakota, respectively, extend a similar privilege to  
9 26 persons so licensed under the laws of Iowa.

9 27 2. Any privileges conferred by this section shall be  
9 28 subject to a reciprocal agreement as negotiated by the  
9 29 commission and the authority of a state provided in subsection  
9 30 1 which confers upon a licensee of this state reciprocal  
9 31 rights, privileges, and immunities as provided in section  
9 32 483A.31.

9 33 Sec. 18. Section 483A.31, Code 2007, is amended to read as  
9 34 follows:

9 35 483A.31 RECIPROCAL ~~FISHING~~ PRIVILEGES AUTHORIZED.

10 1 1. Reciprocal fishing, hunting, or trapping privileges are  
10 2 contingent upon a grant of similar privileges by another state  
10 3 to residents of this state.

10 4 2. The commission may negotiate fishing, hunting, or  
10 5 trapping reciprocity agreements with other states.

10 6 3. When another state confers upon fishing, hunting, or  
10 7 trapping licensees of this state reciprocal rights,  
10 8 privileges, and immunities, a fishing, hunting, or trapping  
10 9 license issued by that state entitles the licensee to all  
10 10 rights, privileges, and immunities in the public waters or  
10 11 public lands of this state enjoyed by the holders of  
10 12 equivalent licenses issued by this state, subject to duties,  
10 13 responsibilities, and liabilities imposed on its own licensees  
10 14 by the laws of this state.

#### 10 15 DIVISION VIII

#### 10 16 SPECIAL HUNTING AND FISHING LICENSES

10 17 Sec. 19. Section 483A.24, subsection 13, Code Supplement  
10 18 2007, is amended to read as follows:

10 19 13. Upon payment of the fee of five dollars for a lifetime  
10 20 fishing license or lifetime hunting and fishing combined  
10 21 license, the department shall issue a lifetime fishing license  
10 22 or lifetime hunting and fishing combined license to a resident  
10 23 of Iowa who ~~is a veteran, as defined in section 35.1, or has~~  
10 24 ~~served in the armed forces of the United States for a minimum~~  
10 25 ~~aggregate of ninety days of on active federal service and who~~  
10 26 ~~was disabled or was a prisoner of war during that veteran's~~  
10 27 ~~military service. The department shall prepare an application~~  
10 28 ~~to be used by a person requesting a lifetime fishing license~~  
10 29 ~~or lifetime hunting and fishing combined license under this~~  
10 30 ~~subsection. The department of veterans affairs shall assist~~  
10 31 ~~the department in verifying the status or claims of applicants~~  
10 32 ~~under this subsection. As used in this subsection, "disabled"~~  
10 33 ~~means entitled to compensation a service connected rating~~  
10 34 ~~under the United States Code, Title 38, ch. 11.~~

#### 10 35 DIVISION IX

#### 11 1 HUNTER EDUCATION TRAINING

11 2 Sec. 20. Section 483A.27, subsections 1, 3, 6, and 11,  
11 3 Code Supplement 2007, are amended to read as follows:

11 4 1. A person born after January 1, 1972, shall not obtain a  
11 5 hunting license unless the person has satisfactorily completed  
11 6 a hunter safety and ethics education course approved by the  
11 7 commission. A person who is eleven years of age or more may  
11 8 enroll in an approved hunter safety and ethics education  
11 9 course, but a person who is eleven years of age and who has  
11 10 successfully completed the course shall be issued a  
11 11 certificate of completion which becomes valid on the person's  
11 12 twelfth birthday. A certificate of completion from an  
11 13 approved hunter safety and ethics education course issued in  
11 14 this state ~~since 1960, or a certificate issued by another~~  
11 15 ~~state, or by a foreign nation, country, or province that meets~~  
11 16 ~~the standards adopted by the international hunter education~~  
11 17 ~~association is valid for the requirements of this section.~~

11 18 3. The department shall provide a manual ~~on~~ regarding  
11 19 hunter safety and ethics education which shall be used by all  
11 20 instructors and persons receiving hunter safety and ethics  
11 21 education training in this state. The department may produce  
11 22 the manual in a print or electronic format accessible from a  
11 23 computer, including from a data storage device or the

11 24 department's internet site.

11 25 6. A public or private school accredited pursuant to  
11 26 section 256.11 or an organization approved by the department  
11 27 may co-operate cooperate with the department in providing a  
11 28 course in hunter safety and ethics education or shooting  
11 29 sports activities as provided in this section.

11 30 11. ~~A hunter safety and ethics~~ An instructor certified by  
11 31 the department shall be allowed to conduct an departmental  
11 32 approved hunter safety and ethics education course or shooting  
11 33 sports activities course on public school property with the  
11 34 approval of a majority of the board of directors of the school  
11 35 district. ~~The conduct of~~ Conducting an approved hunter safety  
12 1 and ethics education course or shooting sports activities  
12 2 course is not a violation of any public policy, rule,  
12 3 regulation, resolution, or ordinance which prohibits the  
12 4 possession, display, or use of a firearm, bow and arrow, or  
12 5 other hunting weapon on public school property or other public  
12 6 property in this state.

#### 12 7 DIVISION X

##### 12 8 USE OF LASER SIGHTS BY BLIND HUNTERS

12 9 Sec. 21. Section 481A.93, subsection 2, Code 2007, is  
12 10 amended to read as follows:

12 11 2. This section does not apply to ~~deer~~ any of the  
12 12 following:

12 13 a. Deer being taken by or under the control of a local  
12 14 governmental body within its corporate limits pursuant to an  
12 15 approved special deer population control plan.

12 16 b. A person who is totally blind using a laser sight on a  
12 17 bow or gun while hunting, if all of the following apply:

12 18 (1) The person's total blindness is supported by medical  
12 19 evidence produced by an eye care professional who is an  
12 20 ophthalmologist, optometrist, or medical doctor. The eye care  
12 21 professional must certify that the person has no vision or  
12 22 light perception in either eye. The certification must be  
12 23 carried on the person of the totally blind person and made  
12 24 available for inspection by the department.

12 25 (2) The totally blind person is accompanied and aided by a  
12 26 person who is at least eighteen years of age and whose vision  
12 27 is not seriously impaired. The accompanying person must have  
12 28 a hunting license and pay the wildlife habitat fee as provided  
12 29 in section 483A.1 if applicable. During the hunt, the  
12 30 accompanying adult must be within arm's reach of the totally  
12 31 blind person, and must be able to identify the target and the  
12 32 location of the laser sight beam on the target. A person  
12 33 other than the totally blind person shall not shoot the laser  
12 34 sight=equipped gun or bow.

#### 12 35 DIVISION XI

##### 13 1 TRESPASSING WHILE HUNTING

13 2 Sec. 22. Section 716.8, subsection 5, Code Supplement  
13 3 2007, is amended to read as follows:

13 4 5. ~~A person who commits a trespass as defined in section~~  
13 5 ~~716.7, subsection 2, paragraph "a", and takes a while hunting~~  
13 6 ~~deer, other than a farm deer as defined in section 170.1 or~~  
13 7 ~~preserve whitetail as defined in section 484C.1, commits a~~  
13 8 ~~simple misdemeanor. The person shall also be subject to civil~~  
13 9 ~~penalties as provided in sections 481A.130 and 481A.131. A~~  
13 10 ~~deer taken by a person while committing such a trespass shall~~  
13 11 ~~be subject to seizure as provided in section 481A.12.~~

#### 13 12 DIVISION XII

##### 13 13 CITATION IN LIEU OF ARREST

13 14 Sec. 23. Section 805.8B, subsection 5, Code Supplement  
13 15 2007, is amended to read as follows:

13 16 5. AQUATIC INVASIVE SPECIES VIOLATIONS. For violations of  
13 17 section 456A.37, subsection 5, the scheduled fine is ~~one~~ five  
13 18 hundred dollars.

#### 13 19 EXPLANATION

13 20 This bill amends a number of provisions relating to natural  
13 21 resources regulated by the department of natural resources,  
13 22 and specifically provisions under the jurisdiction of the  
13 23 natural resource commission, which provide for public land and  
13 24 outdoor recreation.

13 25 DIVISION I == COUNTY RESOURCE ENHANCEMENT COMMITTEE. The  
13 26 bill amends provisions in Code section 455A.20 which provides  
13 27 for persons serving on a county resource enhancement  
13 28 committee, including the chairpersons of the board of  
13 29 supervisors, county conservation board, commissioners of the  
13 30 soil and water district, and board of directors of each school  
13 31 district in the county. The bill eliminates a requirement  
13 32 that a designee appointed by a chairperson must be a member of  
13 33 their respective board or commission. The bill also amends a  
13 34 provision that provides that a mayor of a city in the county

13 35 or a mayor's designee must serve on the committee, by  
14 1 eliminating a requirement that the designee must be a member  
14 2 of the city council.

14 3 DIVISION II == RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND  
14 4 LICENSES. The bill provides a common method for determining  
14 5 residency requirements for registering snowmobiles (Code  
14 6 chapter 321G), all-terrain vehicles (Code chapter 321I), and  
14 7 licensing including hunting and fishing licenses (Code chapter  
14 8 483A). The bill provides that a person who claims status as a  
14 9 resident must meet one of the specified criteria for each year  
14 10 that residency is claimed. The bill does not change the  
14 11 requirement that a full-time student who attends an  
14 12 educational institution in this state is a resident, but  
14 13 provides that the educational institution must be accredited.  
14 14 The bill also extends the provision to a student attending an  
14 15 educational institution outside this state so long as the  
14 16 student is under 25 years old and the student's parent or  
14 17 legal guardian maintains the person's principal and primary  
14 18 home or domicile in the state. The bill eliminates a  
14 19 requirement that provides that voter registration is proof of  
14 20 residency. One of the criteria for residency is modified to  
14 21 require a person to physically reside in the state as the  
14 22 person's principal and primary home or domicile for a period  
14 23 of not less than 30 consecutive days immediately prior to  
14 24 applying for or purchasing a resident license, tag, or permit  
14 25 and have an Iowa driver's license or Iowa nonoperator's  
14 26 identification card.

14 27 The bill defines what constitutes a "principal and primary  
14 28 home or domicile" for purposes of the bill. The bill requires  
14 29 the department to determine whether a person maintains a  
14 30 primary home or domicile in this state based on a number of  
14 31 factors which may include the person's place of employment or  
14 32 domicile address on records. The department may require the  
14 33 person to provide evidence of the person's permanent  
14 34 residence.

14 35 DIVISION III == ALL-TERRAIN VEHICLES. The bill amends Code  
15 1 section 321I.2 by providing that the department may adopt  
15 2 rules regarding the operation or maintenance of designated  
15 3 riding trails.

15 4 The bill provides that a person is subject to civil  
15 5 remedies for criminal prohibitions involving operating an  
15 6 all-terrain vehicle in a manner that damages growing stock at  
15 7 a tree nursery, on public land in violation of official signs,  
15 8 or in a park, wildlife area, preserve, refuge, game management  
15 9 area, or stream beds. The bill provides that on conviction  
15 10 for such a violation a court shall assess the defendant a  
15 11 civil penalty of \$250 to be deposited in the special  
15 12 all-terrain vehicle fund established in Code section 321I.8,  
15 13 and that the court may order the defendant to pay restitution  
15 14 to the titleholder of land for damages caused by the  
15 15 defendant's violation, including to the state or other  
15 16 government entity.

15 17 DIVISION IV == CONSTRUCTION ON STATE-OWNED OR STATE-MANAGED  
15 18 LAND OR WATERS. The bill amends Code section 461A.4  
15 19 authorizing the department to regulate the construction of  
15 20 structures (piers, wharfs, sluices, pilings, walls, fences, or  
15 21 buildings) upon or over any state-owned land. The bill makes  
15 22 stylistic changes to the provisions, provides that the  
15 23 department's authority extends to state-managed land or  
15 24 waters, and provides for the issuance of orders to persons who  
15 25 are in violation of the law.

15 26 The bill creates new Code sections 461A.5A and 461A.5B  
15 27 providing the department with enforcement authority. It  
15 28 authorizes the department to obtain injunctive relief against  
15 29 a person who is in violation of Code section 461A.4 or refuses  
15 30 to comply with an order issued by the department. The bill  
15 31 rewrites but does not alter the criminal penalty for  
15 32 committing a violation of the Code section, which is a simple  
15 33 misdemeanor, and provides that the penalty applies to a person  
15 34 who fails to comply with an order issued by the department  
15 35 under that Code section. A simple misdemeanor is punishable  
16 1 by confinement for no more than 30 days or a fine of at least  
16 2 \$65 but not more than \$625 or by both. The bill provides that  
16 3 the state may also proceed against the person by initiating an  
16 4 alternative civil enforcement action in lieu of a criminal  
16 5 prosecution. The amount of the civil penalty cannot exceed  
16 6 \$5,000, and the bill provides for enforcement by the  
16 7 department or the attorney general upon referral by the  
16 8 department.

16 9 The bill eliminates Code section 461A.5 relating to the  
16 10 removal of obstructions because it includes redundant

16 11 provisions and amends Code section 461A.6 referring to the  
16 12 department's authority to enforce a lien against a structure  
16 13 in a manner consistent with the other bill's provisions.  
16 14 DIVISION V == DRIVING OVER ICE. The bill amends Code  
16 15 section 462A.33 which requires that certain crafts or vehicles  
16 16 cannot operate on ice over certain state waters without  
16 17 obtaining a permit from the department. The bill expands the  
16 18 types of vehicles not requiring a permit to include  
16 19 all-terrain vehicles, off-road motorcycles, and off-road  
16 20 utility vehicles. The bill amends a provision that prohibits  
16 21 vehicles from exceeding 15 miles per hour when traveling over  
16 22 ice on the waters of the state without a special permit. The  
16 23 bill replaces the speed limit with a requirement that the  
16 24 vehicle cannot exceed a rate of speed that is reasonable and  
16 25 proper.

16 26 DIVISION VI == REPORTING HUNTING INCIDENTS. The bill  
16 27 amends Code section 481A.18 which requires persons who are  
16 28 involved in an accident using a firearm while hunting to  
16 29 report the accident to the county sheriff or the department,  
16 30 if the accident caused injury or property damage of more than  
16 31 \$100. The bill provides that a report is required for any  
16 32 hunting incident involving a firearm or a device (such as  
16 33 so-called tree stand) that allows or assists a person to hunt  
16 34 from an elevated location. A person who fails to make such a  
16 35 report is guilty of a simple misdemeanor. A simple  
17 1 misdemeanor is punishable by confinement for no more than 30  
17 2 days or a fine of at least \$65 but not more than \$625 or by  
17 3 both.

17 4 DIVISION VII == RECIPROCITY. The bill amends Code section  
17 5 481A.19 which provides for reciprocal agreements with  
17 6 neighboring states to allow an Iowa resident to take fish,  
17 7 game, mussels, or fur-bearing animals in boundary waters. The  
17 8 bill provides a similar arrangement for a resident of a border  
17 9 state to take fish, game, mussels, or fur-bearing animals on  
17 10 land beyond the boundary of a boundary river, but which is  
17 11 still subject to Iowa sovereignty (e.g., land which is on the  
17 12 Nebraska side of the Missouri river but still considered Iowa  
17 13 territory under the Iowa=Nebraska Boundary Compromise). The  
17 14 bill amends provisions in 483A.31 which provides authority to  
17 15 the commission to negotiate such agreements involving hunting  
17 16 or trapping in addition to fishing.

17 17 DIVISION VIII == SPECIAL HUNTING AND FISHING LICENSES. The  
17 18 bill amends Code section 483.24 which provides for the  
17 19 issuance of a lifetime fishing license or lifetime combined  
17 20 hunting and fishing license to a resident of Iowa who is a  
17 21 veteran and who was disabled or a prisoner of war. The bill  
17 22 eliminates the reference to veteran status, a requirement that  
17 23 the person must have served a minimum aggregate 90 days in  
17 24 active service, or that the person must have been entitled to  
17 25 compensation under federal law.

17 26 DIVISION IX == HUNTER TRAINING. The bill amends Code  
17 27 section 483A.27 which requires that a person complete a hunter  
17 28 safety and ethics education course before being issued a  
17 29 hunting license. The bill provides that the certificate may  
17 30 be issued by another state, or a country, or province that  
17 31 meets the standards adopted by the international hunter  
17 32 education association. The bill also amends the Code section  
17 33 to provide that the department may produce hunter safety and  
17 34 ethics education courses in an electronic format.

17 35 DIVISION X == USE OF LASER SIGHTS BY BLIND HUNTERS. The  
18 1 bill provides that a person who is totally blind may hunt  
18 2 using a gun or bow equipped with a laser sight so long as the  
18 3 person is accompanied by a sighted person. The person's  
18 4 blindness must be certified by medical evidence.

18 5 DIVISION XI == TRESPASSING WHILE HUNTING. The bill amends  
18 6 Code chapter 716 which prohibits trespass to property as  
18 7 defined in Code section 716.7, presumably governing how that  
18 8 term is used throughout the Code chapter. The bill amends  
18 9 Code section 716.8 which provides that a person who commits  
18 10 trespass and takes a deer owned by the state is subject to a  
18 11 civil penalty. The bill eliminates the express reference to  
18 12 the definition of trespass provided in Code section 716.7,  
18 13 subsection 2, (entering upon or in property without the  
18 14 express permission of the owner, entering or remaining upon or  
18 15 in property without justification after being notified or  
18 16 requested to leave, entering on property to commit an unlawful  
18 17 use, or entering on railway property without lawful  
18 18 authority). The bill provides that a person who commits  
18 19 trespass while hunting commits a simple misdemeanor regardless  
18 20 of whether a deer is taken. A simple misdemeanor is  
18 21 punishable by confinement for no more than 30 days or a fine

18 22 of at least \$65 but not more than \$625 or by both.  
18 23 DIVISION XII == CITATION IN LIEU OF ARREST. The bill  
18 24 amends Code section 805.8B which authorizes the department to  
18 25 issue a citation for certain violations of law including for  
18 26 the spreading of an aquatic invasive species (Eurasian water  
18 27 milfoil), by increasing the scheduled fine from \$100 to \$500.  
18 28 LSB 6563HV 82  
18 29 da/sc/14